

REMARKS/ARGUMENTS

The Examiner has again rejected Claims 1,3, 5 to 10, 19, 20 and 31 to 43, as being obvious and unpatentable based upon the Nien et al. '184 patent in view of the Bellinger '562 patent under 35 U.S.C. § 103(a). Further, the Examiner has again rejected Claims 11 to 18, and 31 to 42 as being obvious and unpatentable based upon the Nien et al. '184 patent in view of the Chang '889 patent under 35 U.S.C. § 103(a).

The Nien '184 patent discloses a decorative plate assembling structure for an upper beam of a blind device.

The Bellinger '562 patent discloses a curtain holder bracket for mounting on a window frame.

The Chang '889 patent discloses a rod rack supporting structure for holding one or more cylindrical curtain rods.

The Nien and Bellinger patents do not teach that their respective holder brackets have upper and lower channels for preventing each of its holding wall members from falling out of the U-shaped conventional blind mounting device for holding one or more curtain rods. Further, the Nien and Bellinger patents do not teach or disclose that the upper and lower channels of the first and second brackets interlock within each of the upper and lower receiving channels of the convention blind bracket mounting devices, respectively, such that one or more curtain rods attached to the first and second brackets can hold in excess of five (5) pounds of weight of valances, curtains or drapes when in an assembled state and in

operational use thereof. The Nien and Bellinger patents are silent on the interlocking aspects of their holding brackets as well as the amount of weight their brackets can hold. Also, the Nien '184 patent is only designed to hold decorative plates 40 from its holding cover member 30 and not one or more curtain rods with curtains thereon. Nien's holder brackets as designed, see Figures 1 and 2, would not be capable of supporting multiple curtain rods and curtains on its holder brackets. The present invention was designed to hold multiple curtain rods having curtains, drapes, valances and/or shears thereon. Further, the Bellinger '562 patent does not show upper and lower channels, its holder brackets are directly attached to a window frame, and not to a conventional blind mounting device. Bellinger's rod holder 75 is different in structure as it has a pair of back side walls 45 and 46, the present invention does not have these side walls. Further, Bellinger's rod holder 75 is not configured for preventing its rod holder from falling out of a conventional U-shaped blind bracket mounting device. The mounting brackets of the present invention serves the **dual function of (1) holding one or more curtain rods** having curtains, drapes, valences and/or shears thereon and (2) **a safety latch** in order to prevent the blind from falling out of the conventional U-shaped blind bracket mounting device for holding one or more curtain rods.

The Nien and Chang patents do not teach that their respective holder brackets have upper and lower channels for preventing each of its holding wall members from falling out of the U-shaped conventional blind mounting device for holding one or more curtain rods. Further, the Nien and Chang patents do not teach or disclose that the upper and lower

channels of the first and second brackets interlock within each of the upper and lower receiving channels of the conventional blind bracket mounting devices, respectively, such that one or more curtain rods attached to the first and second brackets can hold in excess of five (5) pounds of weight of valances, curtains or drapes when in an assembled state and in operational use thereof. The Nien and Chang patents are silent on the interlocking aspects of their holding brackets as well as the amount of weight their brackets can hold. Also, the Nien '184 patent is only designed to hold decorative plates 40 from its holding cover member 30 and not one or more curtain rods with curtains thereon. Nien's holder brackets as designed, see Figures 1 and 2, would not be capable of supporting multiple curtain rods and curtains on its holder brackets. The present invention was designed to hold multiple curtain rods having curtains, drapes, valances and/or shears thereon. Further, the Chang '889 patent does not show upper and lower channels, its holder support brackets are directly attached to a window frame, and not to a conventional blind mounting device. Chang's rod holder 20 is different in structure as it has a support base member, the present invention does not have this support base member. Further, Chang's rod holder 20 is not structurally shaped for preventing its rod holder from falling out of a conventional U-shaped blind bracket mounting device. The mounting brackets of the present invention serves the **dual function** of (1) **holding one or more curtain rods** having curtains, drapes, valances and/or shears thereon and (2) a safety latch in order to prevent the blind from


falling out of the conventional U-shaped blind bracket mounting device for holding one or more curtain rods.

Accordingly, even if the prior art references of Nien et al. and Bellinger were combined, they do not teach or disclose the claimed features of Amended Independent Claim 1 and the Claims which depend therefrom. Further, even if the prior art references of Nien et al. and Chang were combined, they do not teach or disclose the claimed features of Amended Independent Claim 31 and the Claims which depend therefrom.

For these reasons, it is respectfully submitted that Applicant's Claims 1 to 20 and 31 to 43 should be allowed.

Respectfully submitted,

EZRA SUTTON, P.A.


EZRA SUTTON
Reg. No. 25,770

Plaza 9, 900 Route 9
Woodbridge, New Jersey 07095
(732) 634-3520

ES/dlp

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE
ADDRESSED TO: COMMISSIONER FOR PATENTS,
P.O. BOX 1450, ALEXANDRIA, VA 22313-1450

By: 

Date: 10/31/2003

PLEASE ACKNOWLEDGE RECEIPT <input checked="" type="radio"/> RETURNING THIS CARD	
Our File: DOWNEY 3.0-001 (CON)	
S/N: 097845,230	ES/dlp
Filed: May 1, 2001	
Mark: MOUNTING BRACKET FOR CURTAIN RODS	
1. Amendment	
2. Postcard	